

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

LAURA VANCE,)
)
Plaintiff(s),)
)
vs.) CV-10-036-LRS
)
MARK T. CASE, and JANE DOE)
CASE, husband and wife;)
SUTTELL & HAMMER, P.S.;)
SUTTELL & ASSOCIATES, P.S.;)
CAITLIN R. FINLEY and JOHN DOE)
FINLEY, wife and husband; and)
MALISA L. GURULE and JOHN DOE)
GURULE, wife and husband,)
)
Defendant(s).)

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF
CAITLIN FINLEY

9:08 A.M.

SEPTEMBER 17, 2010

1200 FOURTH AVENUE, SUITE 1820

SEATTLE, WASHINGTON

REPORTED BY: CARLA R. WALLAT, CCR 2578



A P P E A R A N C E S

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ALSO PRESENT: CAT RENY, Video Operator

* * *

The parties are entering into agreement regarding a process for claiming confidentiality. The parties have agreed to enter a protective order and certain portions of this deposition will be marked confidential by counsel.

* * *

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4 Declaration of Mark T. Case	
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101 Motion and Declaration for Order for Examination and Order to Show Cause for a Judicial Subpoena signed by Malisa L. Gurule	
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1 SEATTLE, WASHINGTON; SEPTEMBER 17, 2010

2 9:08 A.M.

3 --oOo--

4
5 THE VIDEOGRAPHER: This is Segment 1 and
6 the time is 9:08 a.m. My name is Cat Reny. The date
7 is Friday, September 17th, 2010, and we are at
8 Yamaguchi Obien Mangio Court Reporting and Video. The
9 case is Laura Vance versus Case, Suttell & Hammer PS,
10 et al., in the United States District Court for the
11 Eastern District of Washington, Case Number
12 CV-10-036-LRS. This is the deposition of defendant
13 Caitlin Finley.

14 This deposition is being called by Michael D.
15 Kinkley and Heath Irvine on behalf of the plaintiff.
16 Will everyone please identify themselves and whom they
17 represent.

18 MR. KINKLEY: Mike Kinkley for the
19 plaintiff.

20 MR. HUEBER: I'm Carl Hueber, I
21 represent the defendants and the deponent Caitlin
22 Finley.

23 THE VIDEOGRAPHER: The reporter may
24 swear in the witness now.

25 CAITLIN FINLEY,

1 MR. KINKLEY: Do you still have the one
2 from yesterday, Carl? I used it yesterday.

3 MR. HUEBER: Yeah, I got it.

4 Q. (BY MR. KINKLEY) Do you recognize that
5 document?

6 A. Yes, I know what it is.

7 Q. Would you turn to the third page. Is that
8 your signature?

9 A. Yes.

10 Q. What date was that signed?

11 A. February 6, 2009.

12 Q. Would you turn to the second page. And do you
13 see where it says declaration?

14 A. Yes.

15 Q. The second sentence, would you read that for
16 us, please?

17 A. Do you want to start -- where it starts
18 declarant?

19 Q. Yes, please.

20 A. Declarant is an attorney for the judgment
21 creditor and is authorized to make this declaration.

22 Q. Okay. And the declarant was you; is that
23 correct?

24 A. Yes.

25 Q. And you were making that declaration, if you

1 turn back to Page 3, subject to the penalty of perjury
2 under the laws of the state of Washington, correct?

3 A. Yes.

4 Q. And you -- it is true that you were the
5 attorney for the judgment creditor, is it not?

6 A. I was one of the attorneys.

7 Q. Okay. You were "an" attorney for the judgment
8 creditor; that part is true, correct?

9 A. (Witness nodding.)

10 Q. We didn't go over rules. I sometimes forget
11 to do it with other attorneys, but you'll need to speak
12 audibly. You nodded for me, which is normally okay in
13 conversation, but in a deposition, you need to speak,
14 verbalize your thoughts.

15 A. Okay.

16 Q. It's helpful if you say yes or no rather than
17 uh-huh or huh-uh. It's helpful if you do as you have
18 been doing, let me finish my question before you begin
19 to answer. Sometimes my questions can become confusing
20 the way I word them; if that's true, you can ask me to
21 clarify it or rephrase it because I want to be sure
22 that you understand what I'm asking you when you
23 answer. Most times I will rephrase.

24 Would you look at the next sentence, please,
25 beginning with judgment creditor.

1 you Exhibit 102. Is that the system you're -- those
2 notes are from the system you're referring to?

3 A. Yes, it looks like it.

4 Q. And I think people have referred to it with
5 various names. If I could see it for a second.

6 Actually, I've got one here. Never mind.
7 Keep that one.

8 I'm trying to remember what some other people
9 chose to call it, it was J something. The
10 manufacturer's name.

11 Well, let's just call it the collector's notes
12 because I don't have the -- people have called it
13 various things based on the name of the software and
14 the software company. But if you'd look through that
15 Exhibit 102 for a minute, does that look like the
16 collector's notes that you would see on screen?

17 A. Yes.

18 Q. Okay. And you wouldn't typically use the
19 paper and print it out and use the paper, you would
20 typically go in the computer and look on screen; is
21 that correct?

22 A. Usually, yes.

23 Q. All right. When you would be signing
24 supplemental proceedings, motions and declarations,
25 would that be a task that was assigned to you and no

1 other attorney, typically?

2 MR. HUEBER: I'm going to object to the
3 form. I'm a little confused.

4 Q. (BY MR. KINKLEY) All right. Was there a
5 delegation of responsibilities at Suttell & Associates
6 when you were there that some attorneys were signing
7 more of the supplemental proceedings, some of them were
8 signing more of the defaults, some of them were
9 assigned to sign other things or do other things?

10 A. Well, I would say the attorneys all shared
11 responsibilities, but there would be some pleadings
12 that an attorney would be primarily responsible for
13 signing.

14 Q. Okay. And would it be fair to say that in
15 February of 2009, you were one of the attorneys that
16 was primarily responsible for signing supplemental
17 proceedings?

18 A. Yes.

19 Q. And when I say supplemental proceedings, I
20 mean the motion and declaration and the order
21 presenting supplemental proceedings and so forth, the
22 whole package; is that correct?

23 A. Yes.

24 Q. And that supplemental proceedings package is
25 produced by a non-attorney Suttell employee from the

1 computer system, correct?

2 A. Can you say that -- by a non-attorney
3 employee?

4 Q. Yes, right.

5 A. Yes, I believe so.

6 Q. A person who is not an attorney but is an
7 employee of Suttell would produce a package for
8 supplemental proceedings, correct?

9 A. Right. She would print the documents.

10 Q. Right. And the documents would come to you
11 printed with everything filled in?

12 A. "Everything filled in," what do you mean?

13 Q. It would come to you in the form that you have
14 it there in Exhibit 100; isn't that true?

15 A. Yes.

16 Q. Other than your signature, obviously?

17 A. Yes.

18 Q. Okay. And when they would bring you a
19 supplemental proceedings motion and declaration
20 package, they would generally bring you 20, 30 or how
21 many?

22 A. It depended on the day, it depended for what
23 county.

24 Q. Okay.

25 A. It varied. Sometimes it would be 20,

1 A. D says POE is inactive and she is not employed
2 there any longer. Husband is cashing out pension and
3 they will PIF, I believe pay in full, at that time.
4 Don't have exact date. WCB to follow up.

5 Q. So what does the D stand for?

6 A. Defendant.

7 Q. Okay.

8 A. Or debtor.

9 Q. And what does POE stand for?

10 A. I believe place of employment.

11 Q. Okay. And what does WCB stand for?

12 A. I don't know. Maybe the person's initials who
13 would be the one following up. I don't know.

14 Q. Okay. If you had seen that note, would you
15 have signed the declaration for the supplemental
16 proceedings without doing something more?

17 A. If there -- regardless if there was an earlier
18 note up there, if at the bottom of the notes there was
19 still an outstanding balance and it was scheduled, I
20 would still sign it.

21 Q. Okay. So if -- even if there were notes in
22 there that said someone had paid in full but if at the
23 bottom of the notes --

24 A. Well, it doesn't say they paid in full, it
25 says they will pay in full.

1 Q. I understand that. We'll talk about some more
2 things there.

3 Would you turn to the page which tells --
4 informs you what the balance is on the account. What
5 page would you typically look at?

6 A. Well, typically I believe the screen shot
7 would have it at the bottom.

8 Q. Okay. What do you mean by a screen shot?
9 Pretend we don't know anything about your system.

10 A. Well, it's been a while since I've seen this
11 system --

12 Q. I understand.

13 A. -- so I can't tell you exactly. You would
14 maybe be in this notes screen, but I believe you could
15 still be in the notes screen and there's financial
16 information listed at the bottom of the screen where it
17 shows basically, I believe, like a judgment date and
18 the balance on the account.

19 Q. And typically that's what you would rely on
20 rather than the notes themselves regarding the account?

21 A. Well, you would rely -- you would rely on
22 everything, but you -- I would go off of -- I'm
23 guessing -- you have to go off of everything in the
24 file, but if I was going to be signing a supplemental
25 proceedings -- which a lot of times you go off of the

1 MR. KINKLEY: I'll rephrase it.

2 MR. HUEBER: We've got a problem here,
3 Mike, and I think the problem may be your definition of
4 contemporaneous time records includes a number of
5 things, and are you asking her to limit her answer only
6 if it included every one of those things or just some
7 of those things?

8 MR. KINKLEY: Yes, and that's what I'm
9 trying to make clear. I'm going to give it a label so
10 we're on the same page.

11 Q. (BY MR. KINKLEY) Because I think what you're
12 telling me is sometimes you kept track of what you did
13 because you would enter into the system that is --
14 results in the printout in 102; is that what you're
15 trying to tell me?

16 A. Yes.

17 Q. Okay. Other than putting notes into the
18 system that results in collector's notes like 102, you
19 didn't keep any records of your time on collection
20 matters; is that correct?

21 A. That's correct.

22 Q. Okay. And you didn't keep notes of your
23 activities in collection matters other than in the
24 system that resulted in the production of the
25 collector's notes in 102?

1 A. No.

2 Q. So --

3 A. I didn't -- I didn't keep records outside of
4 what I would put in here.

5 Q. All right. All I'm trying to do is narrow our
6 universe down. So everything that you would have kept
7 track of on the Vance case would be in Exhibit 102,
8 other than the court documents and things like that?

9 A. Right.

10 Q. So -- and as far as Exhibit 102 goes,
11 typically you wouldn't even review all of those notes,
12 you would simply look at the, the financial screen that
13 comes up first because that's the most efficient way to
14 determine if a judgment was still outstanding, correct?

15 A. Correct.

16 Q. Is that the way you were trained to do it at
17 Suttell? Is that the way they taught you?

18 A. I believe so, yes.

19 Q. How many declarations -- motions and
20 declarations for supplemental proceeding do you believe
21 that you signed while at Suttell?

22 A. I really don't know.

23 Q. Okay.

24 A. I can't even estimate.

25 Q. It would be definitely more than 100, though?

1 No, 102.

2 MR. HUEBER: I got to object because I
3 don't know what you're asking, Mike.

4 Q. (BY MR. KINKLEY) Do you know the practical
5 aspects of -- do you know how the person who is a
6 non-attorney employee of Suttell goes about preparing
7 Exhibit 100?

8 A. No.

9 Q. Okay. Because I was going to ask you a series
10 of questions about that, but if you don't know -- all
11 you know is that it's brought to you, correct?

12 A. Yes.

13 Q. You don't know if the data is merged into an
14 electronic form and so forth?

15 A. I know there are merge fields.

16 Q. Okay. But you don't know which ones are
17 which?

18 A. You know, I could look at something and maybe
19 imagine that an account number or the file number would
20 be a merge field.

21 Q. Okay.

22 A. The debtor's name would likely be a merge
23 field, but which ones were and which ones weren't, I
24 couldn't tell you for sure.

25 Q. Okay. And when you signed the motion and

1 declaration for supplemental proceeding, it was --
2 other than the name of the debtor and the county and
3 the number, they were all the same?

4 A. The declaration, yes, would be identical.

5 Q. Okay.

6 A. The text of the document.

7 Q. The text of the document were all identical,
8 correct?

9 A. Yes, I believe so.

10 Q. And then specific identifying data like name
11 of the plaintiff, name of the defendant, the number,
12 those would be, of course, different?

13 A. Yes.

14 Q. But other than that, the motions and
15 declarations were all identical?

16 A. Yes.

17 Q. What is your opinion -- what do you believe, I
18 should say, is the standard under Washington law for
19 issuing a supplemental proceeding?

20 MR. HUEBER: I'm going to object to the
21 form. You're asking her for legal conclusions.

22 MR. KINKLEY: Actually I'm not. I'm
23 asking what her understanding of a legal principle is.

24 MR. HUEBER: I'm assuming you don't want
25 to debate my objection, but I'm --

1 Q. They seem to be using three letters.

2 A. Okay. So maybe it would have been CRF.

3 Q. For Caitlin R. Finley?

4 A. Yes.

5 Q. So let's look through that. Page 6, I don't
6 see any CRF. Page 7, I don't see any. If you could
7 just go page by page and see if you see your initials
8 somewhere.

9 A. (Witness complies.)

10 Q. Okay, did you see your initials anywhere
11 there?

12 A. No.

13 Q. So nothing that you did on the file was noted
14 in the file, in the computer system; isn't that true?

15 A. Correct.

16 Q. Okay. And isn't it also true that typically
17 under the way Suttell did things while you were working
18 there, reviewing and signing a supplemental proceedings
19 motion and declaration package would not be something
20 that you would note into the notes, correct?

21 A. Typically.

22 Q. Typically you would not note --

23 A. If -- you're saying after I signed the
24 document, did I go in and make a note that I signed the
25 document? I reviewed it and I signed it?

1 anything about the Vance file that you know, other than
2 what's in the collector's notes --

3 A. No.

4 Q. -- and the documents?

5 A. What I have subsequently found out, but, no.

6 Q. Okay. If you had known that the judgment had
7 been paid in full, you would not have signed under
8 penalty of perjury a statement that the judgment was
9 unsatisfied, would you?

10 A. Right, if I had known.

11 Q. All right. And you were only following the
12 procedures that were given to you by Suttell law firm
13 when you did sign that declaration?

14 A. Right. I was following procedures and relying
15 on the work product of others.

16 Q. All right. And specifically, you were relying
17 on someone to have correctly entered whether or not the
18 judgment was paid?

19 A. Yes.

20 Q. And typically the person entering whether or
21 not a judgment had been paid would be a non-attorney
22 employee of Suttell, correct?

23 A. I don't know. But I know there was an
24 accounting department.

25 Q. All right. And when you say accounting

1 owed.

2 Q. Right. But there are more parts to this
3 account than just the financial summary screen,
4 correct?

5 A. Correct.

6 Q. There are notes as well, correct?

7 A. Correct.

8 Q. And the procedure that you were instructed to
9 follow was to generally just look at the financial
10 summary screen and not review all of the 20 pages or so
11 of notes?

12 A. Correct.

13 Q. Okay. It would be pretty time consuming if
14 you reviewed 20 pages of notes, single spaced, line by
15 line, before signing a supplemental proceedings
16 declaration, wouldn't it?

17 A. Yes.

18 Q. And the volume that you were expected to
19 produce really wouldn't have allowed you that amount of
20 time to do that, correct?

21 A. Correct.

22 MR. KINKLEY: All right. No other
23 questions. And thank you for admitting that -- oh, off
24 the record. I'm sorry.

25 THE VIDEOGRAPHER: We are now off the

1 record at 9:49 a.m. This is the end of Segment
2 Number 1.

3 (Deposition concluded at 9:49 a.m.)

4 (Signature was reserved.)


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1 REPORTER'S CERTIFICATE

2
3 I, CARLA R. WALLAT, the undersigned Certified Court
4 Reporter pursuant to RCW 5.28.010 authorized to administer
5 oaths and affirmations in and for the State of Washington, do
6 hereby certify:

7 That the sworn testimony and/or proceedings, a
8 transcript of which is attached, was given before me at the
9 time and place stated therein; that any and/or all witness(es)
10 were duly sworn to testify to the truth; that the sworn
11 testimony and/or proceedings were by me stenographically
12 recorded and transcribed under my supervision, to the best of
13 my ability; that the foregoing transcript contains a full,
14 true, and accurate record of all the sworn testimony and/or
15 proceedings given and occurring at the time and place stated
16 in the transcript; that I am in no way related to any party to
17 the matter, nor to any counsel, nor do I have any financial
18 interest in the event of the cause.

19 WITNESS MY HAND AND DIGITAL SIGNATURE this 24th day of
20 September, 2010.

21 

22 CARLA R. WALLAT
23 Washington State Certified Court Reporter, #2578
24 cwallat@yomreporting.com

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